

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al., on  
behalf of themselves and all those  
similarly situated,

Petitioners,

v.

REBECCA ADDUCCI, Director of the  
Detroit District of Immigration and  
Customs Enforcement,

Respondent.

Case No. 2:17-cv-11910

Hon. Mark A. Goldsmith

Mag. David R. Grand

Class Action

**THE CHALDEAN COMMUNITY FOUNDATION'S  
MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

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Dated: June 20, 2017

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*Attorneys for Amicus Curiae*

The Chaldean Community Foundation files this motion for leave to file an *amicus curiae* brief to the habeas corpus class action petition, (Dkt. No. 1), for the reasons that follow herein and in the attached brief:

1. Chaldeans are Aramaic-speaking and largely Eastern Rite Catholics indigenous to Iraq. Iraqi Christians are also referred to as Assyrian and Syriac. Michigan has the largest population of Chaldeans outside of the Middle East, with approximately 150,000 Chaldeans currently residing in or around the Detroit metropolitan area.

2. Since the United States invaded Iraq in 2003, more than three quarters of Iraq's approximately 1.5 million Christians have fled from religious persecution. Since 2007, more than 30,000 Iraqi Christian refugees have moved to Michigan.

3. The Chaldean Community Foundation (the "CCF") is the charitable arm of the Chaldean American Chamber of Commerce and a 501(c)(3) nonprofit organization dedicated to advancing the needs of the Chaldean-American community and the communities in which they live.

4. Courts accept *amicus curiae* briefs when "the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Ryan v. Commodity Futures Trading Commission*, 125 F.3d 1062, 1063 (7th Cir. 1997).

5. Petitioners have raised four claims in their class action petition: (1) removal to Iraq based on old removal orders would violate the Immigration and Nationality Act (“INA”) because Petitioners face persecution and/or torture in Iraq on the basis of their ethnicity and/or religion; (2) removal to Iraq would violate Petitioners’ Fifth Amendment Due Process rights because Petitioners have not had an opportunity to have their claims heard at a meaningful time and in a meaningful manner with respect to the current threats they face in Iraq; (3) transfer of Petitioners to a detention center in Youngstown, Ohio violates Petitioners’ statutory and Due Process rights to counsel and a fair hearing; and (4) Petitioners’ present detention is unlawful because it bears no reasonable relationship to the government’s purpose of effectuating lawful removal.

6. The CCF works with Iraqi immigrants and refugees on a daily basis and equips them with the skills and resources necessary to overcome the trauma and persecution they faced in Iraq. The CCF therefore has a unique perspective regarding the threats and danger that Chaldeans—and indeed all other Iraqi immigrants—would face if removed to Iraq today. Indeed, the CCF works with recent immigrants and refugees and has an intimate understanding of the violence that Chaldeans face in Iraq and the dangers to which they cannot be returned in good conscience or as a legal matter. The CCF serves people like Salam A., a refugee who was mutilated and left to die in a dumpster because he refused to convert to

Islam, and Emad T., who faced death threats for his political statements and was forced to flee the country—people whose stories should be considered by this Court before being forcibly returned to a place of great danger.

7. In support of their motion, the CCF states that they are not parties and are not related to any parties in the case. No counsel for a party authored this brief in whole or in part, no party or party's counsel contributed money to fund preparing or submitting this brief, and no person other than the *amicus curiae* contributed money that was intended to fund preparing or submitting this brief.

8. Pursuant to Local Rule 7.1(a), the CCF has contacted the parties' counsel to seek their consent for this filing. All parties have consented.

9. If this motion is granted, the CCF will file the Memorandum that is attached hereto as **Exhibit 1**.

WHEREFORE, for the foregoing reasons, and for the reasons stated in the accompanying brief, the CCF respectfully requests this Court grant leave to file the attached brief *amicus curiae*.

Dated: June 20, 2017

Respectfully Submitted,

/s/ Carl M. Levin

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served on the attorneys of record in this matter by efileing on June 20, 2017.

The statement above is true to the best of my knowledge, information and belief.

/s/ Carl M. Levin  
Carl M. Levin